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BOOK REVIEWS

THE LAW OF SALES, by John Barker Waite. (Chicago: Callaghan and Company, 1921, pp. viii, 385.)

The reader of a brief text on any subject may naturally expect to find, in general, a bare statement of rules without real development of the reasons on which those rules are based. Such a work is scarcely more than a discriminating digest. Yet to be of any substantial value to the student, a text must have as its purpose the exposition of basic principles, rather than the simple enumeration of legal propositions.

In the short scope of the book before us, the author has accomplished this purpose admirably. He has consistently gone beneath the mere fact of judicial decision to the judicial custom of decision underlying it. Judicial decisions, as the author points out, are the phenomena on which the science of law is based. But as any scientific work is more than a catalogue of the results of experiments in that science, so a legal work must be more than the mere stringing together of decisions and quotations. Thus the author, without attempting to cite numerous cases or to marshal extensive excerpts from opinions, has carefully expounded the leading principles of the law of sales. Emphasis is always placed on the reason for a given rule.

The text departs somewhat from the customary outline and arrangement of the subject. The analysis of Benjamin seems largely to have guided the arrangement of later works. The author of this book groups the law, as far as possible, according to the persons affected. There are obviously three types of persons to be considered: the buyer, the seller, and third persons. Every rule may be treated in the light of being a right of one person, a lack of right of another, or a legal power (as distinguished from a legal right) of a third. This is the author's theory, and this directs his manner of treatment. In the cause of brevity, the attempt has been made as far as practicable to treat each rule as being a right of one of the persons mentioned, and thus to prevent useless repetition. The book contains further the text of the Uniform Sales Act, with illustrative decisions digested under many sections.

The volume is particularly interesting and readable. It is a personal work, suggestive of a professor's carefully prepared lectures. Withal, it is a thoroughly philosophical treatise in compact space, and a valuable addition to the literature of the law of sales.

University of Virginia.

F. D. G. RIBBLE.

CASES ON BUSINESS LAW, by William Everett Britton and Ralph Stanley Bauer. (St. Paul: West Publishing Company, 1922, pp. xxix, 1563.)

The appearance of the case system of instruction in courses of commercial law is to be expected as a result of the popularity of that method in many of the leading law schools of this country. Without delving into the relative merits of the case system as compared with the text method, it suffices to say that the teacher of business law has long labored in vain to discover a one-volume text that would properly serve as a basis for an academic course in legal principles and problems. Textbooks there are, of course; but their unexplained brevity in treating the fundamental branches has rendered them either entirely inadequate or a constant source of great annoyance when adopted.